

REMARKS

This Amendment is being filed in response to the Final Office Action of March 4, 2004. For the following reasons, this Application should be considered in condition for allowance and the case passed to issue.

The withdrawal of the original rejection of claim 15 under Tanaka et al. is gratefully acknowledged. However, claim 15 was rejected under 35 U.S.C. § 102(b) as being anticipated by Ferguson (U.S. Patent No. 1,127,608). Claim 15 has been amended in this response. The following is a comparison of the amended claim 15 with Ferguson.

The present invention relates to an axle supporting structure for industrial vehicles comprising an axle supporting wheels, a vehicle frame, and a pair of links which connect the axle on the vehicle frame. The links are directly and pivotably mounted to the axle at both ends, and are disposed upwardly of the axle in a vertical direction and symmetrically about the center of the vehicle and inclined symmetrically with respect to each other in a trapezoid arrangement. The pair of links incline differently according to the relative displacement of the axle and vehicle frame in left and right direction of the vehicle, and the posture of the vehicle is thereby controlled.

As described in the earlier Amendment, to anticipate the claims of a patent application, a single prior art reference must identically disclose each and every element of the claimed invention. Without identical disclosure of each and every element in a single reference, any rejection under 35 U.S.C. § 102 is improper. It is respectfully submitted that Ferguson fails to identically disclose each and every element of the claimed invention, as recited in amended claim 15.

The amended claim 15 requires a pair of links that connect an axle and vehicle frame, the ends of these links being directly and pivotably mounted to the axle at both ends. Using the structure of the invention, a roll center of the vehicle is set at a single point in each rolling condition of the vehicle when it turns. This maintains the stability of the running state of the vehicle.

Ferguson, U.S. Patent No. 1,127,608, relates to a spring suspension in which a pair of links 31 connect an axle 3 and vehicle frame 4. However, the ends of the links 31 are not directly and pivotably mounted to the axle at both ends, as required by amended claim 15. Instead, a pair of links 37 are interposed between the links 31 and the axle 3. Hence, the movement of the links 31 differs from the movement of the links in the present invention, since the links 31 of Ferguson are not directly and pivotably mounted to the axle at both ends.

The roll center of the vehicle of Ferguson is not determined only by the link structure of links 31, because the links 37 incline freely. Thereby, the roll center, usually positioned upwardly of the links 31, may move downwardly of the links 31 depending on the inclination of the links 37.

The roll center in a vehicle with the axle supporting structure of the present invention is determined at one point in each rolling condition of the vehicle, so the stability of the running vehicle can be maintained in good condition. However, in Ferguson, it becomes difficult to keep the roll center in good condition only by the link structure since the roll center moves depending on other elements, for instance, suspension springs, centrifugal force, and the center of gravity of the vehicle.

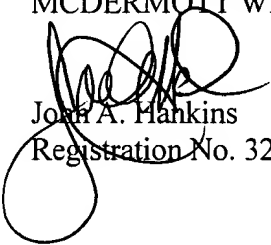
Since Ferguson fails to identically disclose each and every element of the claimed invention of amended claim 15, the rejection of claim 15 under 35 U.S.C. § 102(b) should be reconsidered and withdrawn. Such action is courteously solicited.

In light of the Amendments and Remarks above, this Application should be considered in condition for allowance and the case passed to issue. If there are any questions regarding this Amendment or the Application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the Application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP



John A. Hankins
Registration No. 32,029

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 JAH:bjs
Facsimile: (202) 756-8087
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